

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:18-CV-01228

ADDITIONAL RIGHTS WITH RESPECT
TO A PREEXISTING EASEMENT AND
RIGHT-OF-WAY OVER LAND
IN MONTGOMERY COUNTY, TENNESSEE, and
CAROL WALKER, as Trustee of the
BEBE TRUST #2 dated December 27, 2012,
Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered upon the Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds (Doc. 34). As set forth in the joint motion, the parties have agreed to resolve this action with the total amount of compensation to be awarded for the condemned property rights being \$9,000. The record for this case further shows that Plaintiff has deposited with the registry of this Court the total amount of \$9,000, of which amount \$5,925 has been disbursed to the Defendants by prior order of this Court (Doc. 22), leaving \$3,075 on deposit with said registry, the disbursement of which is provided for herein.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendants shall recover of the Plaintiff \$9,000 as full compensation for the taking of the land herein condemned, and Defendants Carol Walker as Trustee of the BeBe Trust #2, shall receive all of the amount recovered as compensation.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$3,075, plus any accrued interest thereon

less the applicable registry fee, payable, to “Carol Walker as Trustee of the BeBe Trust #2, c/o James W. Fisher, Jr., Esq.,” in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to James W. Fisher, Jr., Esq., 3129 Hawthorn Drive, Clarksville, Tennessee 37043, in full satisfaction of this Judgment.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on November 2, 2018 (Doc. 2), is hereby fully and finally confirmed with respect to the following-described property, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. 2-2):

A permanent easement and right-of-way, consisting of the perpetual right to enter at any time and from time to time the present right-of-way and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the described land:

TRACT NO. SPC-92D

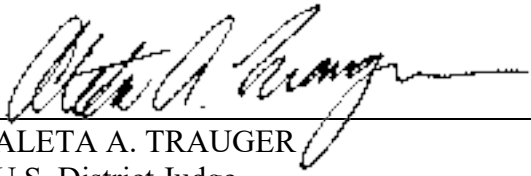
A parcel of land located within the existing right-of-way line of the Springfield-Clarksville Transmission Line located in the 11th Civil District of Montgomery County, Tennessee, as shown on drawing LW-1814, sheet P3 of P4, R.5, a reduced scale copy of which is attached to the Declaration of Taking filed herein, said drawing recorded in the Register’s Office of Montgomery County, Tennessee, in Plat Book J, pages 112-115 and lying approximately between and including survey stations 1283+48.9 and 1285+99.1, on Tract SPC-92D as shown on the aforementioned plat, and containing 0.36 acre, more or less.

The foregoing easement rights are acquired except insofar as those rights or any part thereof are already owned by Plaintiff, which heretofore acquired and now owns a preexisting permanent easement and right-of-way for electric power transmission purposes over a portion of said land totaling 0.36 acre, by virtue of a grant of transmission line easement (TRACT SPC-92) recorded in Deed Book 87, page 255, in the office of the Register of Montgomery County, Tennessee.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title or interest as the owners of the above-described land may have in Fairway Drive, the adjoining road right of way as shown on the map referenced above.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

It is so **ORDERED**.



ALET A. TRAUGER
U.S. District Judge

We hereby approve and consent
to the entry of this Judgment:

s/Ibrahim M. Berro
James S. Chase (TN BPR 020578)
Ibrahim M. Berro (TN BPR 036731)
Sydney D. Nenni (AL Bar 2808L16R)
TVA GENERAL COUNSEL'S OFFICE
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865.632.7295
Email imberro@tva.gov

Attorneys for Plaintiff

s/James W. Fisher, Jr. (by permission)
James W. Fisher, Jr. (TN BPR 012412)
3129 Hawthorn Drive
Clarksville, Tennessee 37043
Telephone 615.568.4513
Email jwf4law@aol.com

Attorney for Defendant

109627928